IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4456 OF 2005

Muzammil Ismail Fazalbhoy. ... Applicant.
Versus.
The State of Maharashtra ... Respondent.

Shri Janardhan Jha for the Applicant.

Shri R.Y.Mirza, A.P.P. for the Respondent-State.

CORAM : ABHAY S. OKA, J.

DATED : 20th July, 2005.

P.C.:

1. Heard the learned Counsel for the Applicant and the learned A.P.P.

2. The first prayer made in this application is for quashing the order dated 24th March 2004. This prayer cannot be considered as by the said order the Applicant was ordered to be enlarged on bail. The second prayer is for modification of condition imposed by the said order directing the Applicant to attend Santacruz Police Station on 15th day of every month till conclusion of trial.

3. The learned Counsel for the Applicant submitted that the Applicant has been attending the Police Station in terms of the said direction from April 2004 and the trial has not made any progress. He submitted that the said condition is causing unnecessary harassment to the

Applicant. The learned A.P.P. has opposed the application.

4. If the trial is not likely to be over the condition imposed for attending the Police Station on a specific date of every month may cause difficulty to the Applicant and hence the said order is required to be modified by permitting the Applicant to report to the Police Station once in every month.

5. Hence the following order is passed:

(i) Clause 1 of order dated 24th March 2004 passed by the learned Additional Sessions Judge is substituted by the following:

. "The Applicant/Accused to report to Santacruz Police Station once in every calender month till conclusion of the trial.

(ii) The Application is disposed of in the above terms.

(iii) The parties to act on authenticated copy of this order.

Judge.